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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,813	11/13/2001	Alistair William McLean	1263.2129	6204
5514	7590	07/25/2006		EXAMINER
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/986,813	MCLEAN, ALISTAIR WILLIAM
Examiner	Art Unit	
Sara M. Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,9,10,12-16,18-22,52-54,58,59,61,69,71 and 73-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,9,10,12-16,18-22,52-54,58,59,61,69,71 and 73-75 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. This action is responsive to the amendment received on May 9, 2006. Claims 1-6, 9-10, 12-16, 18-22, 52-54, 58, 59, 61, 69, 71 and 73-75 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 9-10, 12-16, 52-54, 61, 69, 73 and 75 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sanchez et al., US Patent 5832298, hereinafter Sanchez.

As in Claim 1, 61 and 75, Sanchez teaches a user-interface apparatus and storage medium with processor instructions and method for providing user interfaces corresponding to each of a plurality of different kinds of devices, the user interface apparatus comprising a data requester operable to request device description data of a desired device, the device description data describing functions that the desired device is capable of carrying out (Col. 2, line 36-38), a receiver operable to receive device description data of the desired device from the desired device via a network (Col. 2, lines 38-41), an associator operable to associate the functions described in the received device description data with candidates for user interface elements (Col. 2, lines 42 et

seq.), a generator operable to generate user interface for the desired device by laying out candidate user interface elements associated with the described functions by the associator (Col. 2, lines 43 et seq.), wherein the generator is common to the plurality of different kinds of devices (MDC) and is operable to generate a user interface for an of the devices (scanners, faxes, printers, etc., Col. 13, lines 33-40, local and networked, Col. 5, line 65 et seq.) and a communicator operable to communicate with the desired device to cause the processor-controlled machine to carry out a function selected by a user using the user interface generated by the generator (Col. 2, lines 52 et seq.).

As in Claim 6, Sanchez teaches the apparatus having a display for displaying the graphical user interface to a user (Col. 2, line 45 et seq.).

As in Claim 9, Sanchez teaches the data requester operable to communicate directly with the desired device (Fig. 2 and corresponding text).

As in Claim 10, Sanchez teaches the data requester is operable to communicate with the desired device via a network to which the desired device is coupled (Col. 3, line 10 et seq. LAN).

As in Claim 12, Sanchez teaches the receiver operable to receive the device description data directly from the desired device (Col. 5, line 65 et seq.).

As in Claim 13, Sanchez teaches the receiver operable to receive the device description data using a look-up service provided by a network to which the desired device machine is coupled (Col. 5, line 45 et seq.).

As in Claim 14, Sanchez teaches the user interface apparatus includes a processor and associated memory storing a user interface application implementable by the processor (Col. 5, line 35 et seq.).

As in Claim 15, Sanchez teaches the user interface application comprising several separate program modules (Col. 3, line 10 et seq.).

As in Claim 16, Sanchez teaches the data requester, communicator, receiver, accessor, associator, and generator comprise respective different program modules (each have their own code associated with controlling that aspect).

As in Claim 52, Sanchez teaches user settable data handling parameter defining means having a parameter settable by a user (Col. 3, line 22 et seq.) and data handling means for handling received data in accordance with at least one data handling parameter set by the user (function carried out by the multimedia processing unit under controls set by the remote).

As in Claim 53, Sanchez teaches the data handling means is operable to divert an incoming message so that the user is not made aware of the message (when device data is received the user is not directly notified of each detail).

As in Claim 54, Sanchez teaches the data handling means is operable to send received data to a location determined by a parameter set by the user (corresponding multimedia processing unit currently being controlled by the interface).

As in Claim 69, Sanchez teaches a network communicator operable to determine whether another device (receiving facsimile machine) that in combination with said desired device provides a further function not otherwise provided by said desired device

(sending facsimile machine) is coupled to the network and a user interface controller operable to control the user interface for said desired device in accordance with whether or not the other device is coupled to the network so as to indicate to the user that said further function is not available when said other device is not coupled to the network and to indicate to the user that the further function is available when the other device is coupled to the network along with the limitations of Claim 1 rejected *supra* (cannot activate functions when either unit is off).

As in Claim 73, Sanchez teaches the associator is operable to retrieve a default layout including different panes, and to associate the functions corresponding to each pane of the default layout with candidates of user interface elements, and wherein the generator is operable to generate a user interface of the desired device by laying out the candidates of the user interface elements associated with the functions by the associator (Fig. 5 shows separate panes within the default interface of the printer device).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 18-22 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al., US Patent 5832298, hereinafter Sanchez and further in view of Freeman et al., US Patent 6828992, hereinafter Freeman.

Sanchez teaches a user-interface apparatus and storage medium with processor instructions and method for providing user interfaces corresponding to each of a plurality of different devices, the user interface apparatus comprising a data requester operable to request device description data of a desired device, the device description data describing functions that the desired device is capable of carrying out, a receiver operable to receive device description data of the desired device from the desired device, an associator operable to associate the functions described in the received device description data with candidates of user interface elements, a generator operable to generate user interface of the desired device by laying out candidates of the user interface elements associated with the described functions by the associator, and a communicator operable to communicate with the desired device to cause the processor-controlled machine to carry out a function selected by a user using the user interface generated by the generator (See Claim 1 rejection *supra*).

As in Claim 2, While Sanchez teaches the data requester, communicator, receiver, accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device, they fail to show the preference provider as recited in the claims. In the same field of the invention, Freeman teaches a universal control system similar to that of Sanchez. In addition, Freeman further teaches a preference provider providing pre-stored preference data regarding user interface

element preferences, wherein said generator is operable to select a candidate from amongst the candidates of the user interface elements based on the pre-stored preference data, and to generate the user interface of the desired device by laying out the selected candidates of the user interface elements when the associator associates one of the functions with the candidates of user interface elements (Col. 1, line 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez and Freeman before him at the time the invention was made, to modify the data requester, communicator, receiver, accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device taught by Sanchez to include the providing pre-stored preference data regarding user interface element preferences of Freeman, in order to obtain pre-stored preference data regarding user preference governing the display of peripheral device interfaces. One would have been motivated to make such a combination because a more user-friendly interface for a learned-control device that is would have been obtained, as taught by Freeman (Col. 1, line 50-59).

As in Claim 3, Freeman further teaches the preference provider is operable to provide preference data defining preferences of at least one of the user of the user interface apparatus and the supplier of the user interface apparatus (Col. 5, lines 46 et seq.).

As in Claim 4, Freeman further teaches the preference provider is operable to provide preference data defining for layout of user interface elements (Col. 3, line 67 et seq.).

As in Claim 5, Freeman teaches preference data defining preferences for different types of user interface elements such as button user interface elements and user interface element style preferences to be used for user interface elements (Col. 4, line 15 et seq.).

As in Claim 71, Freeman and Sanchez teach the preference provider is operable to provide preference data defining preferences for a button (Col. 3, line 16 et seq. Freeman) and at least one of color, font and font size user interface element styles to be used for user interface elements (Col. 9, line 2, Sanchez).

As in Claim 18, Sanchez teaches a user interface apparatus and device having a functioner for carrying out a function, a machine communicator for communicating with the user interface apparatus to enable the user of the user interface to cause the device to carry out a function, and a device description data provider for providing to the user interface apparatus upon request by the data requester device description data describing all of the functions that the device is capable of carrying out (See Claim 1 rejection *supra*). While Sanchez teaches the data requester, communicator, receiver, accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device, they fail to explicitly show the machine communicator as a wireless device as recited in the claims. In the same field of the invention, Freeman teaches a universal control system similar to that of Sanchez. In addition, Freeman further teaches a wireless device (Col. 3, line 1). It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez and Freeman before him at the time the invention was made, to modify the data requester, communicator, receiver,

accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device taught by Sanchez to include the wireless functionality of Freeman, in order to obtain a wireless implementation of the learned control device. One would have been motivated to make such a combination because a remote control device that does not tie the user to a specific location via connection cords would have been obtained, as taught by Freeman.

As in Claim 19, Sanchez teaches the functioner is operable to carry out a printing function (Fig. 2 and corresponding text).

As in Claim 20-22, Sanchez teaches the functioner is operable to carry out a facsimile communication function, copying function and scanning function (Fig. 2 and corresponding text).

6. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al., US Patent 5832298, hereinafter Sanchez and further in view of Grefenstette et al., US Patent 6498567, hereinafter Grefenstette.

As in Claim 58, Sanchez teaches a user-interface apparatus and storage medium with processor instructions and method for providing user interfaces corresponding to each of a plurality of different devices, the user interface apparatus comprising a data requester operable to request device description data of a desired device, the device description data describing functions that the desired device is capable of carrying out, a receiver operable to receive device description data of the desired device from the desired device, an associator operable to associate the functions described in the received device description data with candidates of user

interface elements, a generator operable to generate user interface of the desired device by laying out candidates of the user interface elements associated with the described functions by the associator, and a communicator operable to communicate with the desired device to cause the processor-controlled machine to carry out a function selected by a user using the user interface generated by the generator (See Claim 1 rejection *supra*). While Sanchez teaches the data requester, communicator, receiver, accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device, they fail to show the modifying the user interface in response to data identifying the availability of another processor-controlled machine as recited in the claims. In the same field of the invention, Grefenstette teaches a universal control system similar to that of Sanchez. In addition, Grefenstette further teaches a user interface modifying means for modifying the user interface in response to data identifying the availability of another processor-controlled machine (Col. 5, line 5 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez and Grefenstette before him at the time the invention was made, to modify the data requester, communicator, receiver, accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device taught by Sanchez to include the modifying the user interface in response to data identifying the availability of another processor-controlled machine of Grefenstette, in order to obtain a remote control device display adaptable to inclusion of a new peripheral device to be controlled. One would have been motivated to make such a

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combination because an adaptable system for working with a plurality devices that is would have been obtained, as taught by Grefenstette (Col. 1, line 39 et seq.).

As in Claim 59, Sanchez teaches the functioner is operable to carry out a printing function in response to data identifying the availability of a printer (Fig. 2 and corresponding text).

7. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al., US Patent 5832298, hereinafter Sanchez and further in view of US Patent 6658415 Brown et al., hereinafter Brown.

Sanchez teaches a user-interface apparatus and storage medium with processor instructions and method for providing user interfaces corresponding to each of a plurality of different devices, the user interface apparatus comprising a data requester operable to request device description data of a desired device, the device description data describing functions that the desired device is capable of carrying out, a receiver operable to receive device description data of the desired device from the desired device, an associator operable to associate the functions described in the received device description data with candidates of user interface elements, a generator operable to generate user interface of the desired device by laying out candidates of the user interface elements associated with the described functions by the associator, and a communicator operable to communicate with the desired device to cause the processor-controlled machine to carry out a function selected by a user using the user interface generated by the generator (See Claim 1 rejection *supra*). While Sanchez teaches the data requester, communicator, receiver, accesssor, associator, and generator for

retrieving device description data and creating a GUI for controlling the device, they fail to show the device description data is described by XML as recited in the claims. In the same field of the invention, Brown teaches a universal control system similar to that of Sanchez. In addition, Brown further the device description data is described by XML (Col. 4, line 34 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez and Brown before him at the time the invention was made, to modify the data requester, communicator, receiver, accessor, associator, and generator for retrieving device description data and creating a GUI for controlling the device taught by Sanchez to include the XML of Brown, in order to obtain a remote control device display the receives device description data in XML format. One would have been motivated to make such a combination because a common data structure for learning device functions would have been obtained, as taught by Brown.

Response to Arguments

Applicant's arguments filed 5/9/06 have been fully considered but they are not persuasive. In response to the applicant's arguments that Sanchez fails to teach requesting data for and generating a user interface for any of a plurality of different kinds of devices, wherein the generator is common to the different kinds of devices the examiner disagrees. Sanchez teaches a Multi-device Controller (MDC) for controlling different kinds of network peripherals such as scanners, faxes, printers, etc. (Col. 13, lines 33-40) local and networked (Col. 5, line 65 et seq.) through a common generator (MDC).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar processor-controlled devices networked to controllable and customizable interfaces.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh



WEILUN LO
SUPERVISORY PATENT EXAMINER